Supreme Court, U. S.
FILED
FEB 4 1975
MICHAEL RODAK, JR., CLERK

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1974

No. 74-70

LEWIS H. GOLDFARB AND RUTH S. GOLDFARB,
Petitioners

v.

VIRGINIA STATE BAR AND FAIRFAX COUNTY BAR ASSOCIATION,
Respondents

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

MOTION OF THE DISTRICT OF COLUMBIA BAR FOR RECONSIDERATION FOR LEAVE TO FILE BRIEF AMICUS CURIAE

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The District of Columbia Bar respectfully moves this Court for Reconsideration of its Motion for Leave to File Brief Amicus Curiae in the above-captioned case. The District of Columbia Bar moved on December 27, 1974, for leave to file a brief Amicus Curiae. The brief, which supported petitioners and urged that there was no

"learned profession" exemption from the Sherman Act for lawyers, was attached to the motion. On January 13, 1975, this Court denied the motion, as well as a motion of the Association of the Bar of the City of New York which similarly supported the petitioners' position. While the Court did not state any reason for its denial of the District of Columbia Bar's motion, respondent, Fairfax County Bar Association, had opposed the filing of the brief by letter dated December 11, 1974. No reason was given by Fairfax for its opposition. Since then various bar groups have filed amicus briefs with unanimous consent. These briefs, while not uniform, all take positions generally opposing petitioners and supporting respondents. It is clear that the organized bar professes substantially diverse positions on the issues raised in this case.

It is unlikely that this Court was aware of the amicus briefs that were to be filed when it acted on the District of Columbia Bar's motion. The briefs were filed without an order of the Court, pursuant to Rule 42 of the Rules of this Court, because the consent to their filing was unanimous. Unlike its opposition to the District of Columbia Bar brief, Fairfax gave its consent in these instances, presumably because the positions taken in the briefs were favorable to it. Petitioners consented even though the briefs opposed their position in this case.

The issues in the instant case are of great importance to the organized bar and to the equal administration of justice. We submit this Court should have the benefit of the differing views of

various segments of the organized bar on such an important subject and not have its access to such views subject to the whims of any one litigant appearing before it.

We urge this Court to reconsider its previous action and grant the District of Columbia Bar leave to file its brief as Amicus Curiae.

Respectfully submitted,

John W. Douglas, President,
D.C. Bar

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February 4, 1975

I certify that the above Motion is presented in good faith and not for delay.

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